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Oct. 23

CONCORD, N.H.

Mr. B. Malcolm Hamilton, Chairman
Hampton School Board
Hampton, New Hampshire

Dear Sir:

You have inquired as to whether or not the Town of Hampton and the Hampton School District may use the same checklist for all purposes in which a checklist may be necessary. In my opinion this is impossible.

The checklist of the Town of Hampton is prepared and maintained by the supervisor of the checklist for the town. The town and school district, although occupying the same area geographically, are two legal entities. A checklist for the school district may be prepared and used only under the provisions of Revised Laws, chapter 139, section 11 which reads as follows:

"Upon petition of ten legal voters of any district presented in January, or if the district at its annual meeting shall have voted that a check-list be used at future meetings, the school board shall make, post and correct a list of the legal voters in the district, as supervisors are required to do in regard to the list of voters in their towns; and such list shall be used and checked, at the election of officers and otherwise, at the annual meeting of the district, as in case of town meetings, but this provision shall not be applicable to any special school district in this state unless a petition for a check-list shall be signed by five per cent of the legal voters of the district."

A reading of the above indicates that the school board, under the circumstances outlined in the chapter, is charged with the same duties regarding the school district checklist as the supervisors are with the town checklist. For purposes of convenience in originally preparing a checklist for the school district, the town checklist or a copy thereof could be used as a basis. But the resulting checklist would be that of the school district and not of the town.

Very truly yours,

Henry Bowst, Jr.,
Assistant Attorney General

HD:KI

Hampton, New Hampshire,
October 22nd, 1952.

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NEW HAMPSHIRE
ATTORNEY
GENERAL

Hon. Gordon M. Tiffany,
Attorney-General,
State of New Hampshire,
Concord, New Hampshire.

Dear Sir:

We are writing to inquire as to the legality of the Town of Hampton, New Hampshire and the Hampton School District using the same checklist for all purposes in which the use of such checklist may be necessary.

If, in your opinion, this would be possible we assume it would be necessary for the General Court to authorize same by the adoption of certain legislation.

The area included in the Town of Hampton and the Hampton School District is exactly the same and they have the same physical bounds. The requirements for a person to qualify as a legal voter are exactly the same. However, the Hampton School District checklist is used for non-partisan elections whereas the Town of Hampton checklist carries the party affiliation after the names of the voters who have declared such party affiliation.

We would appreciate a ruling from you as soon as possible.

Very truly yours,

HAMPTON SCHOOL BOARD

BY W. Malcolm Hamilton
Chairman